



Order Filed on June 15, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

R. Cameron Legg, Esq.
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In Re:

John J. Hofer

Debtor

Case No.: 22-17932

Chapter: 13

Hearing Date: June 7, 2023 @ 9am

Judge: CMG

**ORDER AUTHORIZING SALE OF REAL PROPERTY
FREE AND CLEAR OF LIENS, CLAIMS AND/OR ENCUMBRANCES**

The relief set forth on the following pages numbers two (2) through four (4) is hereby
ORDERED.

DATED: June 15, 2023



Honorable Christine M. Gravelle
United States Bankruptcy Judge

THIS MATTER, having been opened to the Court by John J. Hofer (“Debtor”), by and through his attorneys, R. Cameron Legg and the Law Office of Oliver & Legg, LLC, requesting an Order Authorizing The Sale of Real Property Free And Clear Of Liens, Claims and/or Encumbrances, pursuant To 11 U.S.C. § 363, relating to the proposed sale of real property known as 1748 Hillwood Road, Forked River, NJ (the “Property”), and the Court having considered the moving papers and opposition thereto, and, if any, oral argument, and good and sufficient cause existing for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion is GRANTED and the Debtor is authorized to sell the Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363 and 1303, and the terms herein.

2. If the lien of Select Portfolio Servicing, Inc. is not paid in full from the closing proceeds pursuant to a proper payoff quote, then any short payoff must be approved by Select Portfolio Servicing, Inc. prior to any closing date.

3. The sale of the right, title and interest in the property to Buyer pursuant to the terms and conditions set forth herein together with the Contact for Sale is hereby approved by the Court.

4. The Property is being sold free and clear of any lien or encumbrances, pursuant to 11 U.S.C. § 363(f), held by the Internal Revenue Service, Federal Tax Lien #437899821, recorded August 19, 2021, in the face / judgment amount of \$18,321.64, by consent of the IRS, subject to approval of an application for certificate of discharge of property from federal tax lien.

5. The Property is being sold free and clear of any lien or encumbrances, pursuant to 11 U.S.C. § 363(f), based upon a bona fide dispute pursuant to the Debtor's Chapter 13 Plan, of all of the following judgements:

- a. Nanette Bowman, J-228052-07, J-313219-07, and J-137179-08 with a total judgement amount of \$6,755.00;
- b. Bank of America, N.A., J-330190-08, in the judgement amount of \$16,765.97;
- c. Bank of the West, J-249322-09, in the judgement amount of \$34,416.66;
- d. New Century Financial Services, DJ-110135-11, in the judgement amount of \$8,954.62;
- e. Motor Vehicle Commission, DJ-106528-12, in the judgment amount of \$2,000.00; and
- f. First Resolution Investment Corporation, DJ-085319-13, in the judgement amount of \$12,465.60.

6. In accordance with D.N.J. LBR 6004-5, the Notice of Proposed Private Sale included a request to pay the Debtor's real estate attorney at closing. Therefore, the Seller's attorney is allowed attorney fees of \$1,500, as reflected in the Certification in Support of the Motion, and such fees are approved and may be paid at closing.

7. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.

8. The balance of any non-exempt proceeds of the sale shall be directed to the Trustee.

9. The Stay as authorized by Rule 6004(h) is waived and the sale may proceed without the expiration of the 14-day period per the Rule.

10. A copy of the HUD settlement statement must be forwarded to the Chapter 13

Trustee 7 days after closing.

In re:
John J. Hofer
Debtor

Case No. 22-17932-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Jun 15, 2023

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 17, 2023:

Recip ID	Recipient Name and Address
db	+ John J. Hofer, 1748 Hillwood Road, Forked River, NJ 08731-3935

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 17, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 15, 2023 at the address(es) listed below:

Name	Email Address
Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor Deutsche Bank National Trust Company as Trustee for the HarborView Mortgage Loan Trust 2005-15, Mortgage Loan Pass-Through Certificates, Series 2005-15 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Robert Cameron Legg	on behalf of Debtor John J. Hofer courtdocs@oliverandlegg.com;legg.r.c.r59915@notify.bestcase.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5